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Dated: January 13, 2004

Signature: Valerie Cohen  
(Valerie Cohen)

Docket No.: 509982003101  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Nickhil JAKATDAR et al.

Application No.: Not Yet Assigned

Art Unit: Not Yet Assigned

Filed: Herewith

Examiner: Not Yet Assigned

For: BALANCING PLANARIZATION OF LAYERS  
AND THE EFFECT OF UNDERLYING  
STRUCTURE ON THE METROLOGY  
SIGNAL

### FIRST PRELIMINARY AMENDMENT

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows.